

April 28 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Robert C. Lukes  
Kevin A. Twidwell  
GARLINGTON, LOHN & ROBINSON, PLLP  
199 West Pine • P. O. Box 7909  
Missoula, MT 59807-7909  
Telephone (406) 523-2500  
Telefax (406) 523-2595  
rclukes@garlington.com  
katwidwell@garlington.com  
Attorneys for Appellee, State of Montana

FILED

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STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Supreme Court No. DA 09-0682

JEANETTE DIAZ, LEAH HOFFMAN-  
BERNHARD, RACHEL LAUDON,  
individually and on behalf of others  
similarly situated,

Plaintiffs and Appellants,

v.

BLUE CROSS AND BLUE SHIELD OF  
MONTANA, NEW WEST HEALTH  
SERVICES, MONTANA  
COMPREHENSIVE HEALTH  
ASSOCIATION, STATE OF  
MONTANA, AND JOHN DOES 1-100,

Defendants and Appellees.

STATE OF MONTANA'S  
MOTION FOR EXTENSION OF  
TIME TO FILE ANSWER BRIEF

The Defendant and Appellee, State of Montana, through its counsel at  
Garlington, Lohn & Robinson, PLLP, hereby moves this Honorable Court pursuant  
to Montana Rule of Appellate Procedure 26 for a thirty-day extension of time to

file its Answer Brief. The Answer Brief from the State of Montana would otherwise be due on or before May 12, 2010. The State of Montana hereby requests that it be allowed to prepare, file and serve its Answer Brief on or before June 11, 2010, the same date as approved by this Court in its order of April 21, 2010, for co-Appellee, Blue Cross and Blue Shield of Montana, Inc., to file its brief.

In accordance with Montana Rule of Appellant Procedure 26(1), counsel contacted Mr. Thueson, one of Appellants' counsel, concerning this extension of time. Appellants' counsel has indicated that Appellants do not oppose the requested extension. Pursuant to Montana Rule of Appellant Procedure 16(1), a proposed order is submitted herewith for the Court's consideration.

DATED this 27<sup>th</sup> day of April, 2010.

Attorneys for Appellee, State of Montana:

GARLINGTON, LOHN & ROBINSON, PLLP  
199 West Pine • P. O. Box 7909  
Missoula, MT 59807-7909  
Telephone (406) 523-2500  
Telefax (406) 523-2595

By

  
Robert C. Lukes

## CERTIFICATE OF SERVICE

I, the undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Appellee, State of Montana, hereby certify that on this 27<sup>th</sup> day of April, 2010, I mailed a copy of the foregoing *State of Montana's Motion for Extension of Time to File Answer Brief*, postage prepaid, to the following persons:

Erik B. Thueson  
P.O. Box 280  
Helena, MT 59624-0280  
Attorneys for Plaintiffs/Appellants

James G. Hunt  
Jonathan McDonald  
Hunt Law Firm  
310 East Broadway  
Helena, MT 59601  
Co-Counsel for Plaintiffs/Appellants

Jory C. Ruggiero  
J. Breting Engel  
Western Justice Associates, PLLC  
303 W. Mendenhall Street, Suite 1  
Bozeman, MT 59715  
Co-Counsel for Plaintiffs/Appellants

Michael F. McMahon  
McMahon Law Firm, PLLC  
212 North Rodney Street  
Helena, MT 59601  
Attorneys for Defendant/Appellee Blue Cross and Blue Shield

Jacqueline Lenmark  
Keller, Reynolds, Drake, Johnson, & Gillespie PC  
P.O. Box 598  
Helena, MT 59624-0598  
Attorneys for Defendant/Appellee Montana Comprehensive Health Association

Leo S. Ward  
Kimberly A. Beatty  
Daniel J. Auerbach  
Browning, Kaleczyc, Berry, & Hoven PC  
P.O. Box 1697  
Helena, MT 59624-1697  
Attorneys for Defendant/Appellee New West Health Services

  
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